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August 20, 2020

**Via CM/ECF**

The Honorable Joan N. Ericksen  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

RE: *Ciofoletti v. Securian Fin. Grp., Inc.*, No. 0:18-cv-03025-JNE-ECW (D. Minn.)

Dear Judge Ericksen:

With the Court's permission, I write on behalf of Defendant Shurwest, LLC ("Shurwest") in response to the letters and accompanying materials filed by Plaintiffs on July 1, 2020 and August 17, 2020 (ECF Nos. 162, 168). Attached to Plaintiffs' letters are rulings on motions objecting to the exercise of personal jurisdiction over Shurwest in California and South Carolina. These rulings do not contain findings of fact, are not binding, and have no impact on the issue before the Court: whether Shurwest is subject to personal jurisdiction *in Minnesota*.<sup>1</sup>

Shurwest submits for the Court's consideration a judgment from the United States District Court for the District of Arizona that *is* relevant in that it disposes of Plaintiffs' argument that Schulze-Miller's supposed contacts with Minnesota can somehow be imputed to Shurwest. ECF No. 150 at 7, 23-24; *see* Ex. A, *Landmark Am. Ins. Co. v. Shurwest, LLC*, No. CV-19-04743-PHX-SRB, Dkt. 69 (D. Ariz. July 23, 2020). Specifically, U.S. District Judge Susan R. Bolton entered summary judgment against a claim that "Shurwest knew that FIP was a funding source for Minnesota Life policies sold through Shurwest." Ex. A at 22:23-24. Judge Bolton concluded that: "(1) Schulze-Miller acted without authorization from Shurwest in partnering with FIP; (2) Shurwest did not have knowledge of MJSM's referral practice and did not receive any part of Schulze-Miller's FIP referral fees or commissions; and (3) Schulze-Miller represented her work with FIP as separate from her work with Shurwest." *Id.* at 18:11-18.

As further evidence of the "rogue" nature of Schulze-Miller's activities, *id.* at 25:6-7, 27:10, Shurwest submits for the Court's consideration a superseding indictment of Schulze-

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<sup>1</sup> The analyses in these rulings are incorrect and are premised on either purported evidence not present here or on legal conclusions inapplicable under Minnesota law. More fundamentally, the existence of inconsistent jurisdictional rulings (in one instance, even within a single state) demonstrates that FIP-related claims against Shurwest should be brought in a consolidated forum in which Shurwest is at home—Arizona. *See Sproqit Techs., Inc. v. Visto Corp.*, No. 04-CV-891JMRFLN, 2004 WL 2453054, at \*5 (D. Minn. Apr. 2, 2004) (concluding "the exercise of general jurisdiction over [defendant] would not be reasonable or fair" because other action pending in California created "great risk of piecemeal litigation" and "both the parties and the judicial system risk parallel litigation and inconsistent rulings").



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Miller issued by a grand jury sitting in the U.S. District Court for the District of South Carolina. *See* Ex. B, *United States v. Kohn, et al.*, No. 6:19-cr-00239-BHH, Dkt. 219 (D.S.C. Aug. 11, 2020).

Finally, Shurwest submits for the Court's consideration a recent motion filed by Schulze-Miller's attorneys in the criminal matter referenced above. *See* Ex. C, *Kohn, et al.*, No. 6:19-cr-00239-BHH, Dkt. 229 (D.S.C. Aug. 18, 2020). Schulze-Miller's counsel states that she "has been aware of this investigation since April of 2018 and has had regular communications with the Government through her counsel." *Id.* at 2. Therefore, Plaintiffs' attempt to call into question the declaration of Schulze-Miller (ECF No. 138-1, submitted in support of Shurwest's motion to dismiss for lack of personal jurisdiction) is without force, given that Schulze-Miller signed the declaration in September of 2018, well after she became aware of the criminal investigation. *See* ECF No. 150 at 23-24. Relatedly, Judge Bolton's order in the District of Arizona proceedings likewise rejected an attempt to call into question Schulze-Miller's declaration. Ex. A at 18:18-28.

Shurwest appreciates the Court's consideration.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in blue ink, appearing to read 'J. Hopkins', with a stylized flourish at the end.

Jason M. Hopkins  
Partner

Cc: All Counsel